

JOE WARDY
MAYOR



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING COUNCIL CHAMBERS OCTOBER 21, 2003 9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., Jose Alexandro Lozano, John F. Cook, Paul J. Escobar, Vivian Rojas and Anthony W. Cobos. Absent: Daniel S. Power. Meeting was called to order at 9:10 a.m. and the invocation was given by Chaplain Carlos Flores, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

1. **Architects Month**
2. **National Pharmacy Week**
3. **Bi-National Promise To Stay Drug-Free Week**
4. **Teen Read Week**

Motion made by Representative Cobos, seconded by Representative Cook, and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted. Representative Lozano was not present for the vote.

(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

*Motion made, seconded and unanimously carried to delete the discussion and action on the City of El Paso's refusal to sign off on John Grady's request for a permit to sell alcoholic beverages and open a convenience store at 7344 O'Riley Lane. This property was annexed into El Paso in 1977 and the unpaved parking lot should be grandfathered. The City is requiring Mr. Grady to pave the gravel parking lot; however, none of the streets in the entire subdivision are paved. [John Grady]

No action was taken on the discussion and action to direct the Mayor to fire the El Paso Housing Authority Board of Directors and demand a freezing of all hiring and firing until a new board is seated. [Nancy Green]

Ms. Nancy Green, citizen, read from a prepared statement and requested that the current Housing Authority administration be investigated. She provided additional information supporting that request.

Mayor Joe Wardy commented on increasing the number of Housing Authority Board Members to 11.

Representative Cobos questioned Ms. Green regarding Housing Authority employees' fear of being fired and the Housing Authority surplus budget. He then asked Mr. Al Velarde, Housing Authority representative, a number of questions.

Ms. Green responded to Representative Cobos' questions.

Mr. Velarde responded to Representative Cobos' questions.

Representative Cook questioned Mr. Velarde regarding whether or not the Housing Authority had received awards or recognition recently.

Mr. Velarde responded to Representative Cook's question.

Representative Cushing asked Mr. Velarde questions regarding the hostile work environment experienced by current Housing Authority employees and the rewriting of the Housing Authority employee handbook.

Mr. Velarde responded to Representative Cushing's questions.

Representative Austin asked Mr. Velarde questions regarding Housing Authority audits. She suggested that an investigation into the allegations made by Ms. Green be initiated. She also requested that Mr. Velarde provide copies of documents pertaining to a investigation of the Housing Authority and allegations made therein, additionally, she requested that copies of that investigation and the responses made by the Housing and Urban Development be given to Ms. Green.

Ms. Monica Marquez, citizen, commented on the hostile work environment currently experienced by employees of the Housing Authority, fear of retaliation if employees speak out against the current administration, employees of the Housing Authority being replaced with contract employees, the "SNAP" program and utilizing Housing Authority complex managers as social workers.

Ms. Theresa Caballero, citizen, requested that Council Members initiate an investigation regarding the Housing Authority's manner of spending taxpayer monies. She requested Mayor Wardy fire Mr. Steve Yellen for refusing to spend taxpayer monies appropriately.

Mr. Blumenfeld, Housing Authority representative, explained that the Housing Authority Board Members do not respond to public comments made at Housing Authority Board meetings.

Ms. Rosaline de la O, citizen, commented in Spanish, Ms. Green provided translation, and requested that Council Members fire Mr. Rudy Montiel, PIO of the Housing Authority and provided additional comments.

Motion made by Representative Austin, seconded by Representative Cobos and unanimously carried to close the debate.

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Motion made by Representative Cook, seconded by Representative Rojas and unanimously carried to refer to the Community and Human Development Department and to work with Dr. Patricia Monardes to come up with a solution regarding the forgiveness of City loans on 510 and 523 W. Missouri. This application to the Home Program of HUD was done by a 501(c)(3) (Trinity Coalition) who was eligible for 100% grant. But due to foreclosure, the mortgager was forced to 40% loan of the program. LULAC's Hispanic Cultural Center has these properties under contract and as a 501 (c)3 asks these two City loans be forgiven as under the HUD Home Program they are eligible for 100% grant. There is precedence and this will be presented. [Dr. Patricia Monardes]

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*Motion made, seconded and unanimously carried to approve the Minutes for Regular City Council Meeting of October 14, 2003, and Special City Council Meeting of September 24, 2003.
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*Motion made, seconded and unanimously carried to postpone two (2) weeks the Minutes for Regular City Council Meeting of September 30, 2003.

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*Motion made, seconded and unanimously carried to postpone one (1) week the Minutes for Regular City Council Meeting of October 7, 2003.

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*Motion made, seconded and unanimously carried to excuse Representative Daniel S. Power from the Regular City Council Meeting of October 21, 2003.

.....
***RESOLUTION**

WHEREAS, the CITY OF EL PASO, hereafter referred to as "the City," owns and operates the El Paso International Airport ("the Airport"); and

WHEREAS, the Airport desires to provide certain live entertainment for the benefit of the traveling public during the 200/2004 holiday season; and

WHEREAS, musical groups from the University of Texas at El Paso, from El Paso Community College, and from public schools in the El Paso area have agreed to donate their services by providing, at no cost to the City, such entertainment for the traveling public;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Director of Aviation be authorized to accept, on behalf of the City of El Paso and the El Paso International Airport, the donation of the following services: performances at the Airport during the 2003/2004 holiday season by choral or instrumental musical groups from the University of Texas at El Paso, from El Paso Community College, or from schools within the El Paso Independent School District, the Ysleta Independent School District, or the Socorro Independent School District. Such performances, to provide entertainment for the traveling public, shall be at the time and location specified by the Director of Aviation, shall not interfere with the free passage of the public within the Airport terminal area, and shall be at no cost to the City.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Third Amendment the Facilities Management and Tourism Agreement between the City of El Paso and SMG, a Pennsylvania general partnership, as Manager for the City of El Paso of the El Paso Convention & Visitors Bureau and Convention & Performing Arts Center. This Amendment will provide an additional year of management and operation services of the Visitor's Information Center located within the Airport Terminal Building at the El Paso International Airport.

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***RESOLUTION**

WHEREAS, the Arts & Culture Department of the City of El Paso promotes the arts in El Paso; and

WHEREAS, the Arts & Culture Department puts on various cultural presentations throughout the City, in furtherance of the Department's mission; and

WHEREAS, the Arts & Culture Department desires use of the First Baptist Church of El Paso Sanctuary and Choir Room for the Turtle Island Quartet performance and the World on a String Guitar Festival FY2004;

THAT the Mayor be authorized to execute a Use Agreement between the First Baptist Church of El Paso ("First Baptist") and the City of El Paso's Arts & Culture Department in order to use the First Baptist Sanctuary and Choir Room for the promotion and presentation of the Turtle Island Quartet performance and the World on a String Guitar Festival FY2004 between March 27 and April 24, 2004. The cost to the City for use of facilities is \$3,280.00.

RESOLUTION

That the Mayor be authorized to send written notice to the governing body of each taxing unit which levies real property taxes in the proposed reinvestment zones of the City's intent to create Tax Increment Financing District 4 as required by Section 311.003 (e) of the Texas Tax Code.

Ms. Lisa Turner, citizen, questioned the need for the Resolution and requested that Council Members investigate the possibilities of bringing high paying jobs into the City, such as laboratories and research facilities.

Mayor Joe Wardy responded that the Resolution was subject to a redevelopment project, specifically "Towne Centre", to be located in the old Farah building. He added that the development project would increase the tax base significantly.

Representatives Cook, Austin, and Escobar provided comments.

Ms. Patricia Adaauto, Deputy CAO for Building and Planning Services, explained that the Resolution would authorize City staff to conduct meetings with the other taxing entities, what a TIF was and how a TIF could increase City funds.

Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to approve the above Resolution. Representative Rojas was not present for the vote.

*RESOLUTION

THAT the Mayor be authorized to execute an agreement between the City of El Paso and United American Veterans Organization for the Veterans' Day Parade on November 8, 2003, which constitutes an important public purpose of benefit to the City and citizens of El Paso. The Agreement provides that the City will make available the necessary funds to cover the costs of the on-duty police traffic control assistance, not to exceed twenty-five (25) on-duty police officers and twenty-five (25) vehicles for the parade.

***RESOLUTION**

That the Mayor be authorized to sign a Termination of Lease Agreement whereby the City of El Paso releases and quitclaims any interest in certain improvements purchased under the 6th Year (1980-1981) Community Development Program in connection with the Leases between El Paso Community Mental Health Mental Retardation Center and The Board of Regents of the University of Texas System.

Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City of El Paso provides its notice of intent to acquire the following parcels of land which are required for the Zaragosa Access Road Improvements Acquisition Project, a 29th Year (2003-2004) Community Development Project:

- Parcel 1: A portion of Tract 21B, Block 8, YSLETA GRANT, in the City of El Paso, El Paso County, Texas, approximately 750 square feet, more or less
- Parcel 2: A portion of Tract 21A, Block 8, YSLETA GRANT, in the City of El Paso, El Paso County, Texas, approximately 2248 square feet, more or less
- Parcel 3: A portion of Tract 23B, Block 1, YSLETA GRANT, in the City of El Paso, El Paso County, Texas, approximately 569 square feet, more or less
- Parcel 4: A portion of Tract 22B, Block 1, YSLETA GRANT, in the City of El Paso, El Paso County, Texas, approximately 781 square feet, more or less
- Parcel 5: A portion of Tract 23B1, Block 1, YSLETA GRANT, in the City of El Paso, El Paso County, Texas, approximately 2669 square feet, more or less
- Parcel 6: A portion of Tract 21C1A, Block 8, YSLETA GRANT, in the City of El Paso, El Paso County, Texas, approximately 749 square feet, more or less
- Parcel 7: A portion of Tract 21C1B, Block 8, YSLETA GRANT, in the City of El Paso, El Paso County, Texas, approximately 1497 square feet, more or less
- Parcel 8: A portion of Tract 21F, Block 8, YSLETA GRANT, in the City of El Paso, El Paso County, Texas, approximately 675 square feet, more or less
- Parcel 9: A portion of Tract 21C1C, Block 8, YSLETA GRANT, in the City of El Paso, El Paso County, Texas, approximately 123 square feet, more or less
- Parcel 10: A portion of Tract 21E, Block 8, YSLETA GRANT, in the City of El Paso, El Paso County, Texas, approximately 785 square feet, more or less
- Parcel 11: A portion of Tract 21C1, Block 8, YSLETA GRANT, in the City of El Paso, El Paso County, Texas, approximately 731 square feet, more or less
- Parcel 12: A portion of Tract 21C, Block 8, YSLETA GRANT, in the City of El Paso, El Paso County, Texas, approximately 750 square feet, more or less
- Parcel 13: A portion of Tract 21D, Block 8, YSLETA GRANT, in the City of El Paso, El Paso County, Texas, approximately 750 square feet, more or less

and that City Council authorizes the Mayor to sign any right-of-entry agreements which may be required in connection with the acquisition of these properties.

Representative Rojas requested clarification.

Ms. Debbie Hamlyn, Director of Community & Human Development, provided explanation and added that the area was subject to ponding.

Mr. Daryl Cole, Street Director, described the exact location of the parcels.

Representative Escobar remarked that the residents were land locked and that the acquisition of the parcels would provide access to the area for law enforcement and medical services.

Motion made by Representative Rojas, seconded by Representative Escobar and unanimously carried to approve the above Resolution. Representative Cobos was not present for the vote.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of Nine Thousand One Hundred And No/100ths Dollars (\$9,100.00-\$9,100 Grant) against the following described real property:

All of Lot 9, and the East 23 feet of Lot 10, Block "B", ALAMO HEIGHTS ADDITION, an Addition to the City of El Paso, Paso County, Texas – 2725 Grant.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of Thirteen Thousand Four Hundred And No/100ths Dollars (\$13,400.00-\$7,212 Grant/\$6,188 Loan) against the following described real property:

Lot 1134, Block 43, MOUNTAIN VIEW ADDITION, an Addition to the City of El Paso, according to the plat thereof on file in Book 6, Page 61, Plat Records, El Paso County, Texas, also known and numbered as 5040 Sierra Madre Dr.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a **First Amendment** to an Agreement for Engineering Services by and between the **City of El Paso** and **Parkhill, Smith & Cooper, Inc.**, for a project known as "**Ramona Avenue & Thomas Place Street & Drainage Improvements**", in an amount not to exceed TWENTY-FOUR THOUSAND ONE HUNDRED NINETY-EIGHT and 00/100 DOLLARS (\$24,198.00).

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **THOMAS M. DOYLE**, to assist the Financial and Administrative Services Department as a Grants Coordinator, at a biweekly rate of \$2,575.00, for 40 hours per week. The term of the contract shall be for the period of October 22, 2003 through October 21, 2004.

NOTE: Contract dates on the Resolution were revised from "October 17, 2003 through October 16, 2004" to "October 22, 2003 through October 21, 2004".

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following **EMPLOYEE CONTRACTOR** contract on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for this contract is in fiscal year **2003/2004** appropriations to be approved by the City Council and the Civil Service Commission.

PAVO REAL RECREATION CENTER
DEPARTMENT ID: 51510115, ACCOUNT: 501011

- 1. **CONTRACTOR:** Alma Saavedra, Instructor Aide, Step 1
DATES: October 22, 2003 through August 31, 2004
RATE PER HR: \$5.35
CONTRACT NO: **2003/2004-129**

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following **EMPLOYEE CONTRACTOR** contract on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for this contract is in fiscal year **2003/2004** appropriations to be approved by the City Council and the Civil Service Commission.

NORTHEAST RECREATION CENTER
DEPARTMENT ID: 51510107, ACCOUNT: 501011

- 1. **CONTRACTOR:** Linda Scalza, Assistant Daycare Coordinator, Step 5
DATES: October 22, 2003 through August 31, 2004
RATE PER HR: \$8.00
CONTRACT NO: **2003/2004-131**

Representative Rojas questioned whether or not background checks were conducted on individuals who work closely with small children.

Mr. Ray Cox, Director of Parks and Recreation, responded yes and added that the Department routinely conducts background checks on all contract employees.

Motion made by Representative Rojas, seconded by Representative Cobos and unanimously carried to approve the above Resolution.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following **EMPLOYEE CONTRACTOR** contract on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for this contract is in fiscal year **2003/2004** appropriations to be approved by the City Council and the Civil Service Commission.

PAVO REAL RECREATION CENTER
DEPARTMENT ID: 51510115, ACCOUNT: 501011

1. **CONTRACTOR:** Martha Ruby Rodriguez, Daycare Instructor Aide, Step 2
DATES: October 22, 2003 through August 31, 2004
RATE PER HR: \$5.35
CONTRACT NO: 2003/2004-132

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following **EMPLOYEE CONTRACTOR** contracts on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for these contracts is in fiscal year **2003/2004** appropriations to be approved by the City Council.

AQUATICS
DEPARTMENT ID: 51010281, ACCOUNT: 501011

1. **CONTRACTOR:** Sonny Lee Valenzuela, Lifeguard, Step 3
DATES: October 22, 2003 through September 30, 2004
RATE PER HR: \$6.20
CONTRACT NO: 2003/2004-133
2. **CONTRACTOR:** Alberto Zamarripa, Lifeguard, Step 3
DATES: October 22, 2003 through September 30, 2004
RATE PER HR: \$6.20
CONTRACT NO: 2003/2004-134

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following **INDEPENDENT CONTRACTOR** contract on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for this contract is in fiscal year **2003/2004** appropriations to be approved by the City Council.

CAROLINA RECREATION CENTER
DEPARTMENT ID: 51510073, ACCOUNT: 502214

1. **CONTRACTOR:** Jesus Manuel Vargas, Instructor
DATES: October 22, 2003 thru August 31, 2004
RATE PER CL: \$5.65
MAXIMUM AMT: \$3,661.20
CONTRACT: 2003/2004-070

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

WHEREAS, in accordance with Section 9.04.380, entitled Abatement, of the El Paso City Code, after providing due notice to the owner of the hereinafter described property that the owner's property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of the El Paso City Code, and the owner failed to comply after due notice, the City's Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds and/or other rubbish; and

WHEREAS, the El Paso City Council, in accordance with Section 9.04.380 of the El Paso City Code, declared the total amount of One Hundred Sixty and 75/100 DOLLARS (\$160.75) to be a lien on the hereinafter described property by Resolution dated June 16, 1998, and said Resolution is recorded in Book 3391, Page 1946, of the Deeds Records of El Paso County, Texas; and the El Paso City Council, in accordance with Section 9.04.380 of the El Paso City Code; and

WHEREAS, the property owner desires a release of the property covered by said sanitation liens and has made satisfactory arrangement with the City of El Paso to justify said release;

NOW, THEREFORE, in consideration of the above, the City of El Paso, for valuable consideration, the receipt whereof is hereby acknowledged, does release the following property from the above-mentioned sanitation lien:

1000 Father Rahm Street, City of El Paso, El Paso County, Texas, being more particularly described as Lot 11, Block 47, Magoffin Subdivision, Parcel #M028-999-0470-3100,
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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

WHEREAS, in accordance with Section 9.04.380, entitled Abatement, of the El Paso City Code, after providing due notice to the owner of the hereinafter described property that the owner's property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of the El Paso City Code, and the owner failed to comply after due notice, the City's Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds and/or other rubbish; and

WHEREAS, the El Paso City Council, in accordance with Section 9.04.380 of the El Paso City Code, declared the total amount of One hundred seven and 17/100 DOLLARS (\$107.17) to be a lien on the hereinafter described property by Resolution dated August 19, 1997, and said Resolution is recorded in Book 3244, Page 1030, of the Deeds Records of El Paso County, Texas; and the El Paso City Council, in accordance with Section 9.04.380 of the El Paso City Code; and

WHEREAS, the property owner desires a release of the property covered by said sanitation liens and has made satisfactory arrangement with the City of El Paso to justify said release;

1000 Fifth Avenue, City of El Paso, El Paso County, Texas, being more particularly described as Lot 11, Block 47, Magoffin Subdivision, Parcel #M028-999-0470-3100,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

WHEREAS, the El Paso City Council, in accordance with Section 9.04.380 of the El Paso City Code, declared the total amount of TWO HUNDRED EIGHTY-TWO AND 53/100 DOLLARS (\$282.53) to be a lien on the hereinafter described property by Resolution dated May 19, 1998, and said Resolution is recorded in Book 3380, Page 0336, of the Deeds Records of El Paso County, Texas; and the El Paso City Council, in accordance with Section 9.04.380 of the El Paso City Code; and

4015 Truman Drive, City of El Paso, El Paso County, Texas, being more particularly described as Lot 10 to 15 (18000 Sq. Ft.), Block 73, Morningside Heights Subdivision, Parcel #M794-999-0730-2200.

A. Custodial Worker (3)
B. Laborer (1)
C. Recreation Leader II (1)
D. Customer Accounts Tax Clerk II (1)

Building Maintenance Supervisor (1)

Delete 1.00 Contract Professional - E

Representative Rojas questioned which position was to be deleted.

Mr. Bill Chapman, Deputy Chief Administrative Officer for Financial and Administrative Services, explained that the position to be deleted was a clerical position in the Grants Department.

Motion made by Representative Rojas, seconded by Representative Austin and unanimously carried to approve the Staffing Table Change for Financial & Administrative Services.

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*Motion made, seconded and unanimously carried that Deborah G. Hamlyn be appointed Deputy Chief Administrative Officer, Quality of Life Services at an annual salary of \$114,000 effective October 21, 2003.

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*Motion made, seconded and unanimously carried to re-appoint Julio Norman to the Parks & Recreation Advisory Board by Mayor Pro Tempore Anthony W. Cobos, District 8.

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*Motion made, seconded and unanimously carried to appoint Larry Peterson to the Information Technology Advisory Board by Representative Susan Austin, District 1.

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*Motion made, seconded and unanimously carried to appoint Augusto M. Gimenez, Jr. to the Zoning Board of Adjustment (Alternate) by Representative Jose Alexandro Lozano, District 3.

.....
Motion made, seconded and unanimously carried to move to the regular agenda the nomination of Walter Tippin, D.D.S., to the El Paso City-County Board of Health by Representative Jose Alexandro Lozano, District 3. Appointment contingent on nomination by El Paso Dental Society.

Representative Lozano explained that two other individuals had been nominated by the El Paso Dental Society and requested a three week postponement.

Dr. Walter Tippin, dentist, thanked the Council Members for the nomination.

Motion made by Representative Lozano, seconded by Representative Cushing and unanimously carried to postpone tree (3) weeks the appointment of Walter Tippin, D.D.S., to the El Paso City-County Board of Health by Representative Jose Alexandro Lozano, District 3. Appointment contingent on nomination by El Paso Dental Society.

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*Motion made, seconded and unanimously carried that the following tax refunds be approved:

- A. Autos Guerrero % Lorenzo Arredondo in the amount of \$2,973.61, overpayment of 2000, 2001& 2002 taxes. (PID #2000-999-1514-0042)
- B. Landamerica Lawyers Title in the amount of \$13,778.62, overpayment of 2002 taxes. (PID #C105-000-0020-0000)
- C. Sierra Title Company, Inc., in the amount of \$17,967.00, overpayment of 2002 taxes. (PID #H787-000-0010-0300)
- D. Lone Star Title Company of El Paso in the amount of \$2,813.38, overpayment of 2002 taxes. (PID #M327-999-0050-2800)
- E. Land America - Lereta, in the amount of \$2,867.80, overpayment of 2002 taxes. (PID #M740-999-0000-8100)
- F. Fernando Gallardo and Elena Gallardo in the amount of \$3,717.65, overpayment of 2002 taxes. (PID #S812-999-0260-1300)

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*Motion made, seconded and unanimously carried to authorize to transfer \$500.00 from District #8 Discretionary Funds to the Parks & Recreation Department to assist with the "Safe Halloween Party" sponsored by El Paso Public Libraries and the Department of Parks and Recreation.

*Motion made, seconded and unanimously carried that the Director of Purchasing be authorized to exercise the City's option to extend the term of the agreement for one (1) additional year, from December 26, 2003, through December 25, 2004, pursuant to the provisions of contract 2002-051 Firefighting Chemicals, with Chemguard Inc., Mansfield, Texas and Daco Fire and Safety, Lubbock, Texas.

Option No.: One [of One]
Department: Fire
Account No: 22010100-01101-503112
Funding Source: General Funds – Clinical/Medical Supplies
Amount of Award: \$33,905.00 Annual Estimate

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*Motion made, seconded and unanimously carried to award Bid No. 2003-223 Janitorial Services Municipal Court

Award to: Pedus Service Inc.
El Paso, Texas
Item (s): 1
Amount: \$28, 113.72 (estimated annually)

Department: Municipal Court
Funds available: 31010326-01101-502206
Funding source: General Funds
Janitorial Maintenance Services Contract
Total award: \$84,341.16

The Departments of Municipal Court, Municipal Services/Building Maintenance and Purchasing recommend award as indicated as this vendor has provided the Best Value Bid meeting all criteria. This is a thirty-six (36) month contract with no option to extend the term of this contract.

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*Motion made, seconded and unanimously carried to award Bid No. 2004-008 Janitorial Services for the Nolan Richardson Center

Award to: Global Clean
El Paso, Texas
Item (s): 1 and 2
Amount: \$10,938.10 (estimated annually)
Department: Parks and Recreation
Funds available: 51010256-01101-502206
Funding source: General Funds
Janitorial Maintenance Services Contract
Total award: \$32,814.30

The Departments of Parks and Recreation and Purchasing recommend award as indicated as this vendor meets the Best Value Procurement Criteria and is the lowest responsible and responsive bidder.

This is a thirty-six (36) month contract with the option to extend the term of this contract for one (1) additional year. Additionally, Global Clean offers a 1.5% 10 days prompt payment discount.

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*Motion made, seconded and unanimously carried to award Bid No. 2003-229 Pierce Proprietary Parts

Award to: First In, Inc.
Phoenix, AZ
Item (s): #1 (All)
Amount: \$120,000.00 (estimated annually)
Department: Fire

Funds available: 22010320-503118
 Funding source: General Funds
 Total award: \$360,000.00

The Fire and Purchasing Departments recommend award as indicated to the sole responsive bidder offer meeting specifications, from responsible parties.

Vendor offers the City the option to extend the term of the contract at the same unit prices for one (1) or two (2) additional years if the option is exercised within two (2) years from the date of the award.

This is a Requirements Type Contract with an initial term of thirty-six (36) months.

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 *Motion made, seconded and unanimously carried to award Bid No. 2003-232 Soccer Goals

Award to: Vendor 1: BSN Sports
 Dallas, Texas
 Item (s): #1 and #3
 Amount: \$21,856.00 (estimated annually)

Award to: Vendor 2: Collegiate Pacific
 Dallas, Texas
 Item(s): #2
 Amount: \$16,720.00 (estimated annually)

Department: Parks and Recreation
 Funds available: 51159242-508004
 Funding source: Parkland Dedication Funds
 Total award: \$38,576.00

The Parks and Recreation and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties. Item #2 was awarded to Collegiate Pacific the next lowest offer meeting specifications since the dimensions for the larger goals are a major safety concern. Vendor #1 and #2 offer the City the option to extend the term of the contract for one (1) additional year at the same unit prices if the option is exercised within one (1) year from the date of the award. This is a Requirements Type Contract with an initial term of Twelve (12) months.

.....
 *Motion made, seconded and unanimously carried to approve budget transfer BT2004-031 STREET

To establish appropriations for maintenance and repair of parking meters.

Decrease	\$15,000	from	32010200/01101/502300	Equip Maint
Increase	\$15,000	to	32010303/01101/503209	ParkMetrMnt

.....
 *Motion made, seconded and unanimously carried to approve budget transfer BT2004-037 AIRPORT

Transfer of funds to cover acquisition of emergency police package for existing vehicle. Capital appropriation anticipated acquisition of a new vehicle for police unit.

Increase	\$2,300	to	62620037/40101/503204	Vehicle Maint
Increase	\$2,300	to	62620037/40101/407001	Intrfd Trf In
Decrease	\$2,300	from	62620020/P50000441022/508008	Maj Office Eq
Increase	\$2,300	to	62620020/P50000441022/507001	Intrd Trf Out

*Motion made, seconded and unanimously carried to approve budget transfer BT2004-041 AIRPORT

Transfer of funds to cover acquisition of exercise equipment that was budgeted as minor office equipment. A savings can be realized by purchasing a universal type apparatus rather than individual pieces.

Decrease	\$2,600	from	62620037/40101/503101	Min Office Eq
Increase	\$2,600	to	62620037/40101/507001	Intrfd Trf Out
Increase	\$2,600	to	62620020/P50000441022/508008	Maj Office Eq
Increase	\$2,600	to	62620020/P50000441022/407001	Intrd Trf In

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2004-043 AIRPORT

Transfer of funds to cover acquisition of vapor steam cleaner for cleaning condenser coils at Central Plant chillers.

Increase	\$4,725	to	62620020/P50000441022/508008	Major Off Eq
Increase	\$4,725	to	62620020/P50000441022/407001	Intrfd Trf In
Increase	\$4,725	to	62620018/P50000241021/407002	Est Rev
Increase	\$4,725	to	62620018/P50000241021/507001	Intrfd Trf Out

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2004-052 COMMUNITY AND HUMAN DEVELOPMENT

To purchase furniture/modulars for placement in the remodeled 8th floor area which will be occupied by Department of Community and Human Development personnel.

Decrease	\$110,000	from	71150069/G7127CD000107629/508027	Construction
Increase	\$110,000	to	71150069/G7129CD004107782/508008	Maj Off Equip
Increase	\$110,000	to	71150069/G7127CD000107629/507001	Intrfd Trf
Increase	\$110,000	to	71150069/G7129CD004107782/407001	Intrfd Trf

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2004-053 HEALTH
Monies are needed to be moved in the Food Participation Fund to be able to comply with the increasing food handlers and managers classes and inspections, and to assist the implementation of the new Permitting Program.

Increase	\$143,111	to	41411546/50101/407002	Est Rev
Increase	\$131,591	to	41411546/50101/508010	DataProcEq
Increase	\$ 11,520	to	41411546/50101/502215	Outside Cont

.....
*Motion made, seconded and unanimously carried to approve the request of KLAQ Radio to hold a Halloween Parade on October 31, 2003 from 3:00 to 5:00 p.m. Route: Start at Album Park and proceed on Album to Zanzibar, turn right on Bermuda, turn right on Fir, turn right on Daphnie turn left on Cork, right on Album and end at Album Park. Approximately 1,500 persons and 75 vehicles will take part approximately 15,000 spectators are anticipated. This request includes permission to use amplification (PA system, loud speaker). PERMIT NO. 03-159 [Connie M. Hernandez]

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*Motion made, seconded and unanimously carried to approve the request of Jesus and Mary Church to hold a parade on October 26, 2003 from 11:30 a.m. to 12:00 p.m. Route: Start at church front gate, proceed on Yandell to Missouri, and turn left on Missouri, proceed on Missouri and turn around at 1020 Missouri, returning along same route. Approximately 150 persons will take part. PERMIT NO. 03-162 [Brother Louis]

*Motion made, seconded and unanimously carried to approve the request of Jesus and Mary Church to hold a religious procession on December 11, 2003 from 3:30 p.m. to 4:30 p.m. Route: Start at 1401 West Yandell, turn left at Mundy, right on Heisig, turn right on Prospect, through Park, to 1401 West Yandell. Approximately 150 persons will take part. This request includes permission to use amplification (3 megaphones, 1 car based speaker system). PERMIT NO. 03-161 [Brother Louis]

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Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried that the following Ordinance, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

An Ordinance to amend Title 13 (Streets, Sidewalks and Public Places), Chapter 13.24 (City Parks and Recreation Areas), Section 13.24.200 (Rental Rates and User Fees Authorization) of the El Paso Municipal Code to revise the caption of Section 13.24.200 and to establish or increase rental rates, user fees, and program fees.

PUBLIC HEARING WILL BE HELD ON NOVEMBER 4, 2003

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

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Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to approve the request of United American Veterans Organization to hold a veteran's parade on November 8, 2003 from 10:00 a.m. to 1:00 p.m. with waiver of fees for police traffic assistance. Route: Start at Myrtle and Florence, proceed west to Kansas, turn south on Kansas, proceed on Kansas to Overland, turn west on Overland, proceed on Overland to El Paso St., turn north on El Paso St., proceed to Mills, turn east on Mills, proceed on Mills to Kansas, turn south on Kansas to Texas and disband. The reviewing stand will be located on the south side of San Jacinto Plaza on Mills St. Staging areas to be used: Florence, Ochoa, Virginia, St. Vrain, Angie, and one block each side of Myrtle. Approximately 2,000 persons and 150 vehicles will take part and 2,500 spectators are anticipated. This request includes permission to use amplification (KBNA-4 speakers and amplifier across reviewing stand) Request waiver of fees for police traffic assistance. Signed affidavit submitted. PERMIT NO. 03-150 [Ka Davis]
The City Clerk called for public comment. There was no public comment.

.....
Motion made by Representative Cook, seconded by Representative Lozano and unanimously carried to approve the request of West Texas Confederation of Clubs to hold a motorcycle toy run/parade on November 2, 2003 from 11:15 a.m. to 12:30 p.m. Route: Start at Stateline Restaurant on Sunland Park Drive, north to Paisano, east to Boone, south to Delta, east to North Loop, east to Lee Trevino, north to Gateway East, east to Margarita's (19.8). Approximately 400 persons, 5 vehicles and 250 motorcycles will take part. Request waiver of fees for \$15.75 for processing of application and waiver of fees for police traffic assistance. Signed affidavit submitted. PERMIT NO. 03-163 [Armando Parra]

Mr. Armando Parra, West Texas Confederation of Clubs representative, was present to answer questions of Council Members.

Representative Lozano thanked the West Texas Confederation of Clubs for providing toys to needy children.

Representatives Austin and Cook provided remarks.

Ms. Terry Garcia, Assistant City Attorney, explained legal matters for Council Members.
Commander Cliff Walsh, El Paso Police Department, explained that the previous Council had approved waiving the fees for last year's event.

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to reject the bids submitted for Bid No. 2003-230, Gate-One Seat Replacement Parts for the Department of Aviation. The Purchasing Department and Department of Aviation recommend re-bidding since the sole bid received took exception to the City's terms and conditions, and therefore is non-responsive on their overall bid. This item will be re-bid as requested by the Department of Aviation.

Mr. Byron Johnson, Director of Purchasing, explained that the award bidder took exception to the identification language and requested that Council Members reject all bids.

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Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to reject the bids submitted for Bid No. 2003-195, Magnetic Stripe Tickets for Amano Ticket Dispensers for the Department of Aviation.

The Purchasing Department and Department of Aviation recommend re-bidding since there was a potential problem with the specification related to the thickness of the tickets. The thickness of the tickets specified is a lightweight paper stock, whereas a heavier-weight paper stock may be more beneficial and work better in the ticket dispensers. The Department of Aviation believes that the difference is great enough that it will adversely affect how the tickets will perform in the Airport's parking lot ticket dispensers.

This item will be re-bid with revised specifications as requested by the Department of Aviation.

Representative Escobar questioned the need to reject the bid.

Mr. Byron Johnson, Director of Purchasing, provided explanation and added that thicker tickets would not jam the ticket machine. He stated that the re-bidding process would take approximately five weeks.

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ORDINANCE 15580

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 6 (VEHICLES FOR HIRE), CHAPTER 6.16 (TAXICABS), SECTIONS 6.16.200 AND 6.12.230 OF THE EL PASO MUNICIPAL CODE TO INCREASE RATES TO BE CHARGED FOR TAXICAB SERVICES AND THE FLAT RATES FROM THE EL PASO INTERNATIONAL AIRPORT.**

Mr. Patrick Abeln, Director of Aviation, explained the need to increase the taxi fees and added that the last time the rates had been adjusted was 10 years ago. He noted that the new rates were competitive within the Southwest region and noted that gas, insurance and the cost to operate a taxi had increased significantly over the last 10 years. He explained that the El Paso Convention Bureau, the Hotel/Motel Association and Fort Bliss had all been included in the discussions.

Representative Cook questioned the \$10.00 minimum fee to transport customers from the airport to the nearby hotels.

Mr. Abeln responded that the neighboring hotels provide a shuttle for their customers and/or hotel operators pay the customer's taxi fare. He explained that the fee increase for taxi cabs would affect all areas of the City not just for the airport taxi drivers.

Representatives Austin and Lozano provided remarks and asked questions of Mr. Abeln.

Mr. Abeln responded to the Representatives' questions.

Mr. Ismael Estrada, taxi driver, thanked Council Members for considering the passage of the Ordinance.

Mr. Eric Reed, Chairman of the Mayor's Accessibility Advisory Committee, commented on the lack of paratransit service after hours and noted that the taxis were not handicapped accessible. He requested that the Mayor compose a community taskforce that might assist the cab companies in purchasing handicapped accessible vehicles. He volunteered his services in the composition of said taskforce.

Representative Cook suggested that Mr. Reed's concerns be addressed at a later time; however, it would behoove the Council to pass the Ordinance as it was written today.

Mr. Daniel Lopez, citizen, explained that the Vehicle for Hire Ordinance was last amended in 1988 and requested that the Mayor form a task force addressing Quality of Life issues for the disabled community, specifically accessible taxis. He also noted that the disabled community could not request that a convention be held in El Paso due to the lack of accessible transportation. He requested that the City end its discrimination toward the disabled community.

There being no public comment, the vote was taken.

Motion duly made by Representative Cook, seconded by Representative Cobos, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Escobar, Rojas and Cobos

NAYS: None Absent: Council Member Power

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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ORDINANCE 15581

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NUMBER 14880, WHICH REESTABLISHED THE ARTS RESOURCES DEPARTMENT AND ARTS RESOURCES BOARD, TO RECOGNIZE THE NAME OF THE DEPARTMENT AS THE ARTS AND CULTURE DEPARTMENT AND TO CHANGE THE NAME OF THE BOARD TO THE ARTS AND CULTURE ADVISORY BOARD.**

There being no further public comment, the vote was taken.

Motion duly made by Representative Cobos, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Escobar, Rojas and Cobos

NAYS: None Absent: Council Member Power

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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ORDINANCE 15582

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.200 (SCHEDULE XVII-RESTRICTIONS ON PARKING IN RESIDENTIAL DISTRICTS), OF THE EL PASO MUNICIPAL CODE, TO ADD ZONE F: NO PARKING ANYTIME, WITHIN A PORTION OF THE ALEXANDER SUBDIVISION (KERN PLACE NEIGHBORHOOD). THE PENALTY AS PROVIDED IN SECTION 12.84.010 (VIOLATION-PENALTY) OF THE EL PASO MUNICIPAL CODE.**

Dr. Keith H. Pannell, 401 Cincinnati, commented on the extensive parking in the neighborhood due to the nearby bars and restaurants.

There being no public comment, the vote was taken.

Motion duly made by Representative Austin, seconded by Representative Cobos, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Escobar, Rojas and Cobos

NAYS: None Absent: Council Member Power

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15583

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.200 (SCHEDULE XVII-RESTRICTIONS ON PARKING IN RESIDENTIAL DISTRICTS), OF THE EL PASO MUNICIPAL CODE, TO ADD ZONE G: NO PARKING ANYTIME, ON SIXTH AVENUE BETWEEN OREGON STREET AND THE ALLEY EAST THEREOF, SOUTH SIDE ONLY. THE PENALTY AS PROVIDED IN SECTION 12.84.010 (VIOLATION-PENALTY) OF THE EL PASO MUNICIPAL CODE.**

There being no further public comment, the vote was taken.

Motion duly made by Representative Cobos, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Escobar, Rojas and Cobos

NAYS: None Absent: Council Member Power

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Motion made by Representative Cushing, seconded by Representative Lozano and unanimously carried to postpone one (1) week an Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV, Speed Limits), of the El Paso Municipal Code, to add a subsection identifying the speed limit as Thirty-Five miles per hour on Tierra Este Road from Zaragoza Road (FM 659) north to city limits. The penalty as provided in Section 12.84.010 of the El Paso Municipal Code.

ORDINANCE 15584

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A RENEWAL OF THE FRANCHISE FOR SUN CITY AMBULANCE SERVICE, INC., DBA, RIO GRANDE AMBULANCE SERVICES, TO OPERATE A NON-EMERGENCY AMBULANCE TRANSFER SERVICE.**

Mr. Raul Guerrero, General Manager of Sun City Ambulance Service, Inc., was present to answer Council Members' questions.

There being no further public comment, the vote was taken.

Motion duly made by Representative Cook, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Escobar, and Rojas
NAYS: None Absent: Council Member Power

Representative Cobos was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15585

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (THE CLASSIFICATION AND COMPENSATION PLAN) TO CREATE THE CLASS OF STREET OPERATIONS ASSISTANT.**

There being no public comment, the vote was taken.

Motion duly made by Representative Cushing, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Escobar, and Rojas
NAYS: None Absent: Council Member Power

Representative Cobos was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15586

The City Clerk read an Ordinance entitled: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS, REPEALING ORDINANCE NOS. 15365, 15403 AND 15508, WHICH HAD CALLED FOR AND SET A SPECIAL ELECTION FOR THE SUBMISSION OF CHARTER AMENDMENTS.**

WHEREAS, **Jose and Maria Torres**, record Owners, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on September 30th, 2003; at this hearing action was postponed for 3 weeks to October 21st, 2003, to allow the owners time to comply and with previous Council orders; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
 - a. That the structures located on said property are condemned as substandard, unfit for human habitation or use, and therefore hazards to the public health, safety, and welfare; and
 - b. That the structures are not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
 - c. The structures' certificates of occupancy are hereby revoked; and
 - d. Since the owner has failed to supply any drawings, plans, or reports to indicate otherwise, we find that the structure cannot be repaired.
2. That the City Council hereby orders Owners to comply with the following requirements:
 - a. That the main structure be demolished within (30) days; and
 - b. That the dilapidated garage be demolished within (30) days, as previously ordered by City Council on July 9th, 2002;
 - c. That the premises be cleared of all weeds, trash and debris within (30) days, as previously ordered by City Council on July 9th, 2002; and
 - d. That the Owners of said Building are hereby ordered to comply with all requirements of the Resolution; and
 - e. The owners are advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
 - f. That upon failure of the Owners to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to demolish the Building, demolish the garage, and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owners to comply with this Order, the City of El Paso through its Interim Director for Building Permits and Inspections shall demolish the Building, demolish the garage, and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owners of said property; and
4. That said Owners shall become personally liable for all costs incurred by City in connection with demolishing the garage, demolishing the Building, and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with the demolishing the garage and the main structure and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and

6. That upon failure of the Owners to comply with this Order, one or all of the following actions will be taken:
 - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owners of said property, the cost of which shall be assessed as a lien against the property; and
 - b. That upon failure of the Owners to comply with this order the City Council may assess a civil penalty against the property Owners in an amount not to exceed \$1,000.00 a day for each violation or, if the Owners show that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
 - c. That upon failure of the Owners to comply with this order, the Owners may be confined in jail as permitted by state law; and
7. That upon failure of the Owners, any mortgagees or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owners, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owners and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits and Inspections, presented case to Council Members and gave the department's recommendation(s). He provided Council Members a copy of a letter submitted by the property owner (on file in the City Clerk's office).

There being no further public comment, the vote was taken.

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to approve the above Resolution.

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 Motion made by Representative Cook, seconded by Representative Rojas and unanimously carried to refer to the Community and Human Development Department to work with Dr. Patricia Monardes to come up with a solution regarding the forgiveness of City loans on 510 and 523 W. Missouri. This application to the Home Program of HUD was done by a 501(c)(3) (Trinity Coalition) who was eligible for 100% grant. But due to foreclosure, the mortgager was forced to 40% loan of the program. LULAC's Hispanic Cultural Center has these properties under contract and as a 501 (c)3 asks these two City loans be forgiven as under the HUD Home Program they are eligible for 100% grant. There is precedence and this will be presented. [Dr. Patricia Monardes]

Representative Cobos agreed with placing a cap on the matter.

Representative Austin moved to approve the matter; however, placing a \$15,000.00 cap. There was no second.

Ms. Elizondo remarked that she was agreeable to placing a \$10,000.00 cap on the Agreement.

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RESOLUTION
EL PASO CITY COUNCIL
OPPOSING RIO NUEVO AND THE EXPORT OF GROUNDWATER
FROM FAR WEST TEXAS

WHEREAS, a proposal has been made by an entity styled “Rio Nuevo” to pump hundreds of thousands of acre feet of groundwater from lands owned by the State of Texas in Far West Texas for export to South Texas, possibly utilizing an international river for transport; and

WHEREAS, it appears that the proposal as set forth will effectively circumvent any and all type of public participation in this process; and

WHEREAS, the State of Texas has mandated by statute that all water supplies and all potential water supply alternatives and their impacts on urban and rural communities in the region be evaluated through use of the Far West Texas Regional Water Planning process; and

WHEREAS, the Texas General Local Office is possibly considering the proposal of Rio Nuevo Limited without any regard for the state-mandated Far West Texas Regional Water Planning process;

NOW, THEREFORE, BE IT RESOLVED

That the City of El Paso opposes any effort of Rio Nuevo Limited to export groundwater from Far West Texas to South Texas absent such mining and export of groundwater being handled consistent with all other groundwater considerations through the Far West Texas Regional Water Planning process.

Representative Cook thanked Representative Austin for her input regarding the draft Resolution language and provided information explaining the need for Council Members to support the Resolution.

Representative Cushing commented on pumping water from land to Rio Grande to South Texas and requested that the matter be postponed one week. There was no second. He requested that the Mayor send a letter rather than the Resolution.

Representative Austin explained that the matter required immediate attention due to a General Land Commission meeting to be held on Wednesday, October 22, 2003. She agreed to amending the Resolution language as requested by Representative Cushing.

Representative Cobos questioned what stance the County Commissioners had taken.

Representative Austin responded that the County Commissioners had passed a similar Resolution on Monday, October 20, 2003.

Representative Cook read excerpts from the Austin American Statesman newspaper into the record and requested that further discussion take place in Executive Session.

Ms. Lisa A. Elizondo, City Attorney, suggested that amendments to the Resolution could be made following the Executive Session meeting.

Mayor Joe Wardy responded that he would speak to that individual later this evening via telephone.

Ms. Richarda Duffy Momsen, City Clerk, read the Resolution into the record.

Representative Cushing read his amendments to the Resolution into the record.

Motion made by Representative Cushing, seconded by Representative Cook and unanimously carried to approve the above Resolution.

NOTE: Resolution was revised.

Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 12:29 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES

- A. Authority of City Attorney to retain outside counsel. (551.071)**
B. Settlement Authority for City Attorney. (551.071)
C. Discussion and action regarding potential intervention and authorization for the City Attorney's Office to retain outside counsel in the case styled *Investment Builder's Inc. v. Housing Authority of the City of El Paso, Paisano Housing Redevelopment Corporation, Robert Bowling IV and Joseph Wardy.* (551.071)

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to adjourn the Executive Session and reconvene the meeting at 12:59 p.m. of the City Council, during which time motions were made as follows:

Representative Escobar was not present for the vote to come out of Executive Session.

Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried that that the City Attorney is authorized to enter into such contracts or other agreements as he or she deems necessary to obtain professional services in connection with legal service provided, however, that prior to finalizing any such agreements, the City Attorney shall inform the City Council of the substance of the agreement and of his or her intent to enter into the agreement in an amount not to exceed the amount recommended by the City Attorney's Office.

Representative Escobar was not present for the vote.

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried that the appropriate City Attorney be **AUTHORIZED TO SETTLE LAWSUITS AND CLAIMS FILED AGAINST THE CITY OF EL PASO** as recommended by the City Attorney's Office, and be authorized to sign all necessary settlement documents on behalf of the City.

Representative Escobar was not present for the vote.

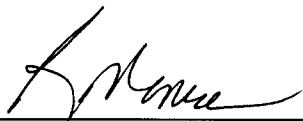
Motion made by Representative Cook, seconded by Representative Lozano and unanimously carried that the City Attorney's Office be authorized to retain Robles, Bracken, Coffman & Hughes, L.L.P. at an hourly rate of \$175.00 per hour in the case styled *Investment Builder's Inc. v. Housing Authority of the City of El Paso, Paisano Housing Redevelopment Corporation, Robert Bowling IV and Joseph Wardy*, and that the City Council finds that actions were taken in good faith and that the expenditure of such funds is necessary to protect the legitimate interests of the City that are connected to this lawsuit.

Representative Cobos abstained from the vote.
Representative Escobar was not present for the vote.

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Motion made by Representative Cook, seconded by Representative Lozano and unanimously carried to adjourn this meeting at 1:04 p.m.
.....

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:



Richarda Duffy Momsen, City Clerk



Lisa A. Elizondo, City Attorney